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 CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff,

v.

CITY OF OAKLAND AND PORT OF
 OAKLAND,

Defendants.

AND RELATED COUNTERCLAIM

Case No. 3:24-CV-02311-TSH

**DECLARATION OF MELISSA TYTKO
 ANDRETTA IN SUPPORT OF THE CITY'S
 MOTION FOR PRELIMINARY INJUNCTION**

Date: October 24, 2024
 Time: 10:00 AM
 Dept: E – 15TH Floor
 Judge: Hon. Thomas S. Hixton

1 I, Melissa Tytko Andretta, declare as follows:

2 1. I am the Director of Aviation Marketing & Development at San Francisco
3 International Airport (“SFO”). I have been employed by SFO since July 2015. I have personal
4 knowledge of the facts contained in this declaration in support of the city and county of San
5 Francisco’s Motion for Preliminary Injunction. I declare that the following is true to the best of my
6 knowledge, information, and belief, and that if called upon to testify, I could and would testify to
7 the following.

8 2. As Director of Aviation Marketing & Development for SFO, I am responsible for
9 overseeing air service development and international marketing at the airport. In particular, my job
10 is focused on our efforts to compete with other airports for air service.

11 **SFO and its Award Winning Facilities**

12 3. From my role in marketing SFO and my years of working at the airport, I am
13 knowledgeable about some of the history of SFO. In May 1927, the city of San Francisco
14 inaugurated the Mills Field Municipal Airport of San Francisco, which formally rebranded as the
15 SAN FRANCISCO AIRPORT in 1931, and again as SAN FRANCISCO INTERNATIONAL
16 AIRPORT in 1954.

17 4. SFO has always been a major west coast hub airport serving travelers to and from
18 the Bay Area, and over time it has grown to become one of the busiest airports in the United States.
19 Every year, SFO welcomes tens of millions of travelers from around the world. This includes over
20 50 million travelers in 2023. By passenger count, SFO is among the top 12 busiest airports in the
21 United States. Attached hereto as **Exhibit A** is a true and correct copy of is a true and correct copy
22 of excerpts of relevant data collected by the New York and New Jersey Port Authority, reflecting
23 passenger counts for SFO. Exhibit A was collected at my and/or the City’s direction and I am
24 personally familiar with its contents.

25 5. Based on data collected by Airports Council International, SFO receives more than
26 twice the number of travelers serviced by the neighboring airports in Oakland and San Jose
27 combined. Attached hereto as **Exhibit B** is a true and correct copy of excerpts of relevant data
28 collected by Airports Council International 2023 Airport Traffic Summary, reflecting passenger

counts for the Oakland and San Jose airports. Exhibit B was collected at my and/or the City's direction and I am personally familiar with its contents.

The OAKLAND INTERNATIONAL AIRPORT

6. The Oakland International Airport (or "Oakland airport") is situated in the southeastern part of the city of Oakland in the East Bay.

7. Relatively speaking, the Oakland airport is much smaller than SFO, with more limited infrastructure to support airlines. For example, according to Cirium, an aviation analytics service, the Oakland airport has far fewer flights than SFO. In August 2023, which is typically the busiest month of the year, the Oakland airport averaged 140 flights per day, whereas SFO averaged 518 flights. A true and correct excerpt of data that I collected from Cirum is attached hereto as **Exhibit C**. As a result, the Oakland airport services far fewer passengers than SFO, around 11.2 million in 2023. *See Exhibit B*.

8. In comparison to SFO, the Oakland airport scores lower in customer service. In a recent North America Airport Satisfaction Study conducted by J.D. Power, SFO ranked near the top of all "mega" airports in overall customer satisfaction, whereas the Oakland airport ranked near the bottom of its category of "large" airports. Attached hereto as **Exhibit D** is a true and correct copy of relevant excerpts from the North America Airport Satisfaction Survey. Exhibit D was collected at my and/or the City's direction and I am personally familiar with its contents.

9. The cost of airfare to and from the Oakland airport varies significantly from flight to flight, with round trip tickets as low as \$52 as of September 16, 2024 according to airfare listings for the airline Spirit. Attached hereto as **Exhibit E** is a true and correct screenshot of an advertisement for \$26 plane tickets (one way) on Spirit leaving from the Oakland airport. Exhibit E was collected at my and/or the City's direction and I am personally familiar with its contents.

10. According to data compiled by the Bureau of Transportation Statistics ("BTS"), airfare at the Oakland airport is, on average, cheaper than airfare to SFO, and ranks in the bottom half of all major metropolitan airports. A true and correct screenshot from the BTS website is attached hereto as **Exhibit F**. Exhibit F was collected at my and/or the City's direction and I am personally familiar with its contents.

11. However, the Oakland airport, like SFO, provides airport services to U.S. and international travelers traveling to and from the Bay Area.

12. Also, like SFO, plane tickets to and from the Oakland airport are marketed and sold via the same mediums, namely, wherever airline tickets are sold. Today the vast majority of airline tickets are sold online. This process typically begins by entering an airport name or location into a search tab on an airline or online travel agency (“OTA”) website, which automatically returns a list of corresponding airports. On most sites, searches for San Francisco or SFO offer the Oakland airport as a “nearby” airport, and vice versa. Flights to each can often be searched together, and travelers may consider our airports as alternatives to one another for traveling to Bay Area destinations.

13. SFO and the Oakland airport also share several of the same airlines. These include Alaska Airlines, Delta, Hawaiian Airlines, and Southwest.

The Port and Marketing of OAKLAND INTERNATIONAL AIRPORT

14. My experience with the Port of Oakland (the “Port” or “Oakland”) and its tactics marketing the Oakland airport has given me a window into their view of the City and County of San Francisco (the “City”) and SFO. For many years, they have acted as if we are in a rivalry with one another, and we also understand that Oakland airport staff express concern that SFO is trying to undermine them.

15. I understand that the Oakland airport, like other airports, has struggled to fully recover during and after the pandemic. In recent years Oakland airport has suffered widely reported losses of the airlines British Airways, Norwegian Air, and JetBlue.

16. Oakland appears to blame SFO and the City for its problems, mistakenly believing that we have taken air service away from them, based on our conversations with air carriers, other industry partners and former employees of Oakland. This isn’t true and isn’t how SFO does business. SFO uses research and data to market itself to incumbent and new air carriers for new air service which has the best opportunity to succeed at SFO, without regard to what Oakland airport is doing. While SFO and the Oakland and San Jose airports all compete with one another, our view is that we can all thrive together too and ought to be working together to try to increase travel to

1 the region.

2 17. Against this backdrop, Oakland has often taken to marketing its airport to airlines
3 by denigrating SFO, for example by misrepresenting the extent to which SFO suffers from fog and
4 delays. In one incident, the Port hosted an event for airlines that featured fortune cookies containing
5 the fortune “SFO? Just say no.” They also created a pre-pandemic video ad campaign titled
6 “Inferiority Complex,” which features “stereotypical” San Franciscans touting the superiority of
7 the Oakland airport. That video can currently be found at
8 <https://www.adsoftheworld.com/campaigns/inferiority-complex>.

9 **The Port and Renaming OAKLAND INTERNATIONAL AIRPORT**

10 18. I became aware of Oakland’s plan to rebrand its airport under the trademark SAN
11 FRANCISCO BAY OAKLAND INTERNATIONAL AIRPORT following its press release on
12 March 29, 2024. A true and correct copy of the press release is attached hereto as **Exhibit G**.
13 Exhibit G was collected at my and/or the City’s direction and I am personally familiar with its
14 contents.

15 19. From the outset, I was very concerned about the damage that Oakland’s renaming
16 will do to SFO’s brand, and the confusion that will be caused by the Oakland airport’s new name.
17 Travelers to both SFO and the Oakland airport hail from all walks of life and have varying levels
18 of travel experience and English proficiency, and it will be very easy for even seasoned travelers
19 to get the parties’ airports mixed up. Based on my experience in the air travel industry, while many
20 trips are planned carefully and in advance, this is often not the case. Many travelers have to arrange
21 flights last minute for one reason or another, whether due to business needs, an emergency, or
22 something else.

23 20. Based on my review, Oakland has begun displaying the SAN FRANCISCO BAY
24 OAKLAND INTERNATIONAL AIRPORT trademark on the Oakland airport’s website, social
25 media handles, and search engine results. True and correct screenshots reflecting uses of the SAN
26 FRANCISCO BAY OAKLAND INTERNATIONAL AIRPORT trademark on the Oakland airport
27 website and social media profiles are attached hereto as **Exhibit H**. Exhibit H was collected at my
28 and/or the City’s direction and I am personally familiar with its contents.

21. The SAN FRANCISCO BAY OAKLAND INTERNATIONAL AIRPORT trademark also appears in the search feature for Booking.com, Google Flights, and some airline websites' ticketing features have begun to display the "Oakland" airport as "Oakland/San Francisco" or "Oakland / San Francisco Bay." True and correct screenshots of third-party websites reflecting uses of the SAN FRANCISCO BAY OAKLAND INTERNATIONAL AIRPORT trademark are attached here **Exhibit I**. Exhibit I was collected at my and/or the City's direction and I am personally familiar with its contents.

22. However, Oakland's rollout of its new name has stalled, and the SAN FRANCISCO BAY OAKLAND INTERNATIONAL AIRPORT trademark does not yet appear everywhere. For example, the OTAs are inconsistent with their use of the SAN FRANCISCO BAY OAKLAND INTERNATIONAL mark or simply refer to the Oakland airport as "Oakland". True and correct screenshots of representative examples of such OTAs are attached hereto as **Exhibit J**. Exhibit J was collected at my and/or the City's direction and I am personally familiar with its contents.

23. Oakland's slow rollout of the new name coincided with the City's lawsuit. Accordingly, we had been hopeful that Oakland was preparing to work with the City to reach an amicable compromise, in particular at the parties' August 27, 2024 mediation. However, the mediation was not successful.

The Significance of City Names in Airport Names

24. Based on my experience in the air travel industry, it is extremely rare for a major U.S. airport to bear the name of a different city than the one that owns it. For example, Chicago Midway and Chicago O'Hare are both owned by the city of Chicago. Similarly, Dallas Love and Dallas / Fort Worth are both owned (or in the case of Dallas / Fort Worth, partially owned) by Dallas. Likewise, Washington Dulles and Washington Reagan International Airport are owned by the federal government, and so on.

Oakland's New Name is Harming SFO

25. Our name is one of the most valuable assets we have. It embodies all of the trust and positive associations that we have, through great effort and expense, built up in SFO among travelers. By adopting the trademark SAN FRANCISCO BAY OAKLAND INTERNATIONAL

1 AIRPORT, Oakland is trading on our goodwill and brand recognition, leading travelers to believe
2 that our airports are the same or related to one another.

3 26. Travelers visiting the wrong airport and SFO losing traffic due to mistaken bookings
4 to the "SAN FRANCISCO BAY" airport will damage us by diverting traffic (and revenue) from
5 SFO to Oakland. The same is true of individuals who are familiar with SFO, have high regard for
6 SFO, and book travel to the Oakland airport under the mistaken belief that it shares the same owner
7 or operator as SFO. This will also unfairly enrich Oakland at our expense.

8 27. Equally concerning, any issues that travelers have with Oakland's airport will now
9 be mistakenly attributed to the City, SFO, and the SAN FRANCISCO INTERNATIONAL
10 AIRPORT brand. Oakland has much lower customer satisfaction than SFO, evidenced by their
11 lower performance in customer service surveys. The Oakland airport simply lacks the
12 infrastructure to provide the same level of services that we are able to at SFO. But this means that
13 travelers who mistakenly believe that SFO and the Oakland airport are controlled by the same city
14 or management are now associating Oakland's lesser services with ours. This is very damaging to
15 our brand and will inevitably harm our bottom line as travelers may be less likely to distinguish
16 SFO from the Oakland airport or forgo traveling to either airport altogether.

17 28. In addition, travelers frustrated by travel disruption caused by Oakland's renaming
18 may direct their ire at SFO or, indirectly, at the Oakland airport thinking its associated with SFO.
19 This also damages our brand.

20 29. Of course, all of this confusion also harms those travelers and other businesses
21 caught up in it, such as airlines and ride share companies, among others.

22
23 Executed on this 16th day of September, 2024 at San Francisco, California.

24
25 
26 Melissa Andretta